

F I L E D

Clerk of the Superior Court

JUN 17 2005

By: K SANDOVAL, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

(UNLIMITED JURISDICTION)

COORDINATION PROCEEDING SPECIAL TITLE (Rule 1550(b)))	Judicial Council Coordinating Proceeding Nos. 4221, 4224, 4226 & 4228
NATURAL GAS ANTI-TRUST CASES I, II, III & IV)	STIPULATION AND PROPOSED ORDER RE BRIEFING SCHEDULE ON MOTIONS TO QUASH AND AFFILIATE DEMURRERS
This Document Relates To:)	
ALL PRICE INDEXING CASES)	

1 WHEREAS, Defendants' demurrers and motion to strike on federal
2 preemption grounds are fully briefed, and scheduled to be heard on June 21, 2005; and

3 WHEREAS, Defendants' demurrer to and alternative motion to strike claims
4 for unfair competition and unjust enrichment is scheduled to be heard on July 12, 2005; and

5 WHEREAS, in addition to the foregoing, Defendants Aquila, Inc.; CenterPoint
6 Energy, Inc.; Reliant Energy, Inc.; CMS Energy Corp.; CMS Energy Resources Management
7 Co.; CMS Marketing Services and Trading Co.; Cantera Natural Gas, LLC; Cantera Gas Co.;
8 Duke Energy Corp.; Duke Energy North America; Duke Energy Field Services, LP; Encana
9 Corporation; Reliant Energy Services Inc.; and Reliant Energy, Inc. have filed motions to
10 quash for lack of personal jurisdiction, also noticed for hearing on July 12, 2005 (the
11 "Motions to Quash");

12 WHEREAS, on May 31, 2005 and June 3, 2005, respectively, Plaintiffs served
13 document requests and interrogatories on Defendants, seeking documents and information
14 that Plaintiffs contend bear on the issue of personal jurisdiction;

15 WHEREAS, in addition to the foregoing, Defendants Duke Energy Corp.;
16 Duke Energy Field Services, LP; Duke Energy North America, LLC; Dynegy Inc.; Dynegy
17 Power Marketing, Inc.; Dynegy Marketing and Trade; West Coast Power LLC; Encana
18 Corporation; and Sempra Energy have filed demurrers on the additional ground that the
19 complaints do not allege facts sufficient to impose liability on them for the alleged acts of
20 their corporate affiliates (the "Affiliate Demurrers");

21 WHEREAS, Defendant Zanaboni has demurred to the complaints, *inter alia*,
22 on the ground that the complaints do not allege facts sufficient to impose liability on her for
23 alleged violations of the Cartwright Act ("Part III of the Zanaboni Demurrer"); and

24 WHEREAS, Plaintiffs contend that briefing on the Affiliate Demurrers and
25 Part III of the Zanaboni Demurrer should be completed on approximately the same schedule
26 as briefing on the Motions to Quash, while Defendants contend that briefing on these
27 demurrers should not be deferred, but are willing to grant Plaintiffs an interim extension to
28 allow this scheduling dispute to be resolved by the Court at the June 21, 2005 hearing;

1 IT IS HEREBY STIPULATED AND AGREED, by and between the parties,

2 that:

3 Defendants' demurrers and motion to strike on federal preemption grounds
4 will be heard on June 21, 2005, as previously scheduled;

5 Defendants' demurrer to and alternative motion to strike claims for unfair
6 competition and unjust enrichment, and Defendant Zanaboni's demurrer (except for the
7 argument set forth in Part III of her supporting memorandum of points and authorities) will be
8 heard on July 12, 2005, as previously scheduled;

9 The date for the filing of oppositions to the Motions to Quash, the Affiliate
10 Demurrers and Part III of the Zanaboni Demurrer will be set by the Court at the June 21, 2005
11 hearing; and

12 In the interim, the parties shall continue to negotiate in good faith regarding a
13 modified schedule for completion of the proceedings on the Motions to Quash, the Affiliate
14 Demurrers and Part III of the Zanaboni Demurrer.

15 IT IS SO STIPULATED.

16
17 By: /s/ Barry R. Himmelstein
Barry R. Himmelstein

18 William Bernstein
19 Joseph R. Saveri
20 Barry R. Himmelstein
21 Eric B. Fastiff
Daniel E. Barenbaum
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, California 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

24 Class Plaintiffs' Co-Lead and Liaison Counsel

ORDER

Good cause appearing, IT IS SO ORDERED.

Dated: June 17, 2005



Hon. Ronald S. Prager
Coordination Trial Judge